

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS CUSTY and ANNE CUSTY,)

Plaintiffs,)

v.)

CASE NO: 08CV2483 AEE

ROANOKE COMPANIES GROUP,)

INC. d/b/a TILE PERFECT, INC.,)

n/k/a BRTT, INC. a/k/a H.B. FULLER)

COMPANY, SLR, INC. d/b/a EASY)

CARE PRODUCTS, INNOVATIVE)

CHEMICAL TECHNOLOGIES,)

INC.; ORTEC, INC.; AEROFIL)

TECHNOLOGY, INC.; HOME)

DEPOT U.S.A., INC. a/k/a THE)

HOME DEPOT, INC.)

Defendants.

**NOTICE OF PRESENTMENT OF ORDER EXTENDING TIME FOR
FILING OF RESPONSIVE PLEADINGS BY DEFENDANTS
HOME DEPOT U.S.A., INC. a/k/a THE HOME DEPOT, INC. AND
ROANOKE COMPANIES GROUP, INC. n/k/a BRTT, INC.**

PLEASE TAKE NOTICE, upon the attached motion (the “Motion”) filed jointly by the Plaintiffs, Defendant Home Depot U.S.A., Inc. a/k/a The Home Depot, Inc., and Defendant Roanoke Companies Group, Inc. n/k/a BRTT, Inc., for an Order Extending Time For Filing of Responsive Pleadings, the undersigned will present the attached proposed order granting the Motion to the Honorable Matthew F. Kennelly,

Judge in the United States District Court for the Northern District of Illinois, for signature on May 27, 2008 at 9:30 a.m. CST.

This 22nd day of May, 2008.

/s/ Michael P. Turiello

Edward B. Ruff

(IL Bar No. 6181322)

Michael P. Turiello

(IL Bar No. 6238272)

PRETZEL & STOUFFER, CHARTERED

One South Wacker Drive

Suite 2500

Chicago, IL 60606

Telephone: (312) 346-1973

Facsimile: (312) 346-8242

*Attorneys for Roanoke Companies Group, Inc.
n/k/a BRTT, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS CUSTY and ANNE CUSTY,)

Plaintiffs,)

v.)

CASE NO: 08CV2483 AEE

ROANOKE COMPANIES GROUP,)

INC. d/b/a TILE PERFECT, INC.,)

n/k/a BRTT, INC. a/k/a H.B. FULLER)

COMPANY, SLR, INC. d/b/a EASY)

CARE PRODUCTS, INNOVATIVE)

CHEMICAL TECHNOLOGIES,)

INC.; ORTEC, INC.; AEROFIL)

TECHNOLOGY, INC.; HOME)

DEPOT U.S.A., INC. a/k/a THE)

HOME DEPOT, INC.)

Defendants.

**JOINT MOTION FOR EXTENSION OF TIME FOR
FILING OF RESPONSIVE PLEADINGS BY DEFENDANTS
HOME DEPOT U.S.A., INC. a/k/a THE HOME DEPOT, INC.
AND ROANOKE COMPANIES GROUP, INC.**

COME NOW, the undersigned counsel for Plaintiffs Dennis Custy and Anne Custy, Defendant Home Depot U.S.A, Inc. a/k/a The Home Depot, Inc. (hereinafter “Home Depot”), and Defendant Roanoke Companies Group, Inc. n/k/a BRTT, Inc. and show the court the following:

1.

The parties to this motion have a good faith belief that this matter will be removed to the Northern District of Georgia and consolidated as part of the Stand ‘n Seal Multidistrict Litigation (Case No. 1:07-MD-1804-TWT).

2.

The parties wish to limit and prevent unnecessary filings in this court.

WHEREFORE, pursuant to the provisions of Rule 6(b)(1) of the Federal Rules of Civil Procedure, the parties to this motion HEREBY REQUEST that the Court enter the attached Consent Order extending the time in which Home Depot and Roanoke Companies Group, Inc. n/k/a BRTT, Inc. have to answer, move or otherwise respond to the Plaintiffs’ Complaint, filed on May 1, 2008, until the fifteenth day following the consolidation of this matter into the Stand ‘n Seal Multidistrict Litigation, or the fifteenth day following the denial of such consolidation.

This 22nd day of May, 2008.

/s/ Michael T. Terwilliger
Kenneth J. Allen
Michael T. Terwilliger

KENNETH J. ALLEN & ASSOCIATES, P.C.
1109 Glendale Boulevard
Valparaiso, IN 46383
219.465.6292
Attorneys for Plaintiffs

/s/ Seslee S. Mattson

John P. MacNaughton

Georgia State Bar No. 464550

Seslee S. Mattson

Georgia State Bar No. 663377

MORRIS, MANNING & MARTIN, LLP

1600 Atlanta Financial Center

3343 Peachtree Road, N.E.

Atlanta, Georgia 30326

404-233-7000

404-365-9532 Facsimile

Attorneys for Home Depot U.S.A., Inc.

/s/ Michael P. Turiello

Edward B. Ruff

(IL Bar No. 6181322)

Michael P. Turiello

(IL Bar No. 6238272)

PRETZEL & STOUFFER, CHARTERED

One South Wacker Drive

Suite 2500

Chicago, IL 60606

Telephone: (312) 346-1973

Facsimile: (312) 346-8242

Attorneys for Roanoke Companies Group, Inc.

n/k/a BRTT, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS CUSTY and ANNE CUSTY,)

Plaintiffs,)

v.)

CASE NO: 08CV2483 AEE

ROANOKE COMPANIES GROUP,)

INC. d/b/a TILE PERFECT, INC.,)

n/k/a BRTT, INC. a/k/a H.B. FULLER)

COMPANY, SLR, INC. d/b/a EASY)

CARE PRODUCTS, INNOVATIVE)

CHEMICAL TECHNOLOGIES,)

INC.; ORTEC, INC.; AEROFIL)

TECHNOLOGY, INC.; HOME)

DEPOT U.S.A., INC. a/k/a THE)

HOME DEPOT, INC.)

Defendants.

**CONSENT ORDER EXTENDING TIME FOR
FILING OF RESPONSIVE PLEADINGS BY DEFENDANTS
HOME DEPOT U.S.A., INC. a/k/a THE HOME DEPOT, INC. AND
ROANOKE COMPANIES GROUP, INC. n/k/a BRTT, INC.**

It appearing to the Court that the parties hereto have consented to the entry of this Order, and for good cause shown, it is

HEREBY ORDERED that the time for filing of responsive pleadings by Defendant Home Depot U.S.A., Inc. a/k/a The Home Depot, Inc. and Roanoke Companies Group, Inc. n/k/a BRTT, Inc. shall be extended until the fifteenth day

following the consolidation of this matter into the Stand 'n Seal Multidistrict Litigation in the Northern District of Georgia, Case No. 1:07-MD-1804-TWT, or the fifteenth day following the denial of such consolidation.

SO ORDERED this 22nd day of May, 2008.

JUDGE, MATTHEW F. KENNELLY
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS

CONSENTED TO: <u>/s/ Michael T. Terwilliger</u> Kenneth J. Allen Michael T. Terwilliger KENNETH J. ALLEN & ASSOCIATES, P.C. 1109 Glendale Boulevard Valparaiso, IN 46383 219.465.6292 <i>Counsel for the Plaintiffs</i>	CONSENTED TO: <u>/s/ Seslee S. Mattson</u> John P. MacNaughton Ga. State Bar No. 464550 Seslee S. Mattson Ga. State Bar No. 663377 MORRIS, MANNING & MARTIN, LLP 1600 Atlanta Financial Center 3343 Peachtree Road, N.E. Atlanta, GA 30326 <i>Counsel for Home Depot U.S.A., Inc.</i>
---	---

<p><u>/s/ Michael P. Turiello</u> Edward B. Ruff IL Bar No. 6181322 Michael P. Turiello IL Bar No. 6238272 PRETZEL & STOUFFER, CHARTERED One South Wacker Drive Suite 2500 Chicago, IL 60606 Telephone: (312) 346-1973 Facsimile: (312) 346-8242</p> <p><i>Counsel for Roanoke Companies Group, Inc. n/k/a BRTT, Inc.</i></p>	
---	--

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DENNIS CUSTY and ANNE CUSTY,)

Plaintiffs,)

v.)

CASE NO: 08CV2483 AEE

ROANOKE COMPANIES GROUP,)

INC. d/b/a TILE PERFECT, INC.,)

n/k/a BRTT, INC. a/k/a H.B. FULLER)

COMPANY, SLR, INC. d/b/a EASY)

CARE PRODUCTS, INNOVATIVE)

CHEMICAL TECHNOLOGIES,)

INC.; ORTEC, INC.; AEROFIL)

TECHNOLOGY, INC.; HOME)

DEPOT U.S.A., INC. a/k/a THE)

HOME DEPOT, INC.)

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I have on this day, filed electronically via CM/ECF a true copy of the within and foregoing JOINT MOTION FOR EXTENSION OF TIME FOR FILING OF RESPONSIVE PLEADINGS BY DEFENDANTS HOME DEPOT U.S.A., INC. a/k/a THE HOME DEPOT, INC. AND ROANOKE COMPANIES GROUP, INC. along with the accompanying NOTICE OF PRESENTMENT and PROPOSED ORDER in the United States District Court of appropriate jurisdiction, with notice of same being electronically served by the

Court, addressed to the following:

John P. MacNaughton
Seslee S. Mattson
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, GA 30326

Counsel for Home Depot U.S.A., Inc.

Kenneth J. Allen
Michael T. Terwilliger
KENNETH J. ALLEN & ASSOCIATES,
P.C.
1109 Glendale Boulevard
Valparaiso, IN 46383
219.465.6292

Counsel for the Plaintiffs

This 22nd day of May, 2008.

/s/ Michael P. Turiello
Michael P. Turiello
IL Bar No. 6238272
PRETZEL & STOUFFER, CHARTERED
One South Wacker Drive
Suite 2500
Chicago, IL 60606
Telephone: (312) 346-1973
Facsimile: (312) 346-8242

*Counsel for Roanoke Companies
Group, Inc. n/k/a BRTT, Inc.*